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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,622	09/08/2000	James G. Gatto	08271.000009	3360

29315 7590 06/30/2004	EXAMINER
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC	FELTEN, DANIEL S

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ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _08 September 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19-121_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _19-121_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _6_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Reciept of the Preliminary amendment canceling claims 1-18 and adding claims

19-121. Claims 19-121 are pending in the application and are presented to be

examined upon their merits.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 19-121 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Re claims 19 and 86-89: "....enables a user to store at least some transaction

parameters...one of the stored transaction parameters is used in connection with the

transaction *type* and a plurality of transaction parameters. How are the parameters

being defined? How does the applicant define "type"?

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 19-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morioka et al (US 5, 995, 949) in view of   Lawlor et al (US 5,220,501)

Re claims 1, 86-89:

Morioka discloses all the limitations of the a electronic card less financial transaction

system having a central controller 3 (fig. 1) a memory device (see col. 3, ll. 20+), a

terminal device connected to the central controller 3, a processor 8, a display 1

connected to a processor 8, an input mechanism for providing input to the processor,

etc.,   Morioka discloses an embodiment in which the Automated transaction apparatus

is shown as an ATM, but fails to disclose a communications network. ATM networks are

notoriously old and well known in the art in the distribution of financial transactions and

other related services. Lawlor discloses such an ATM network (see Lawlor, col. 21, ll.

19+). An artisan at the time of the invention of Morioka would have recognized the

convenience of the ATM network perform remote financial transactions. Thus it would

have been obvious to an artisan of ordinary skill in the art at the time of the invention

to integrate the invention of Morioka to with Lawlor to conveniently perform remote transactions. Thus such a modification would constitute an obvious expedient well within the ordinary skill in the art.

As in claim 20, the memory for storing user defined transaction information is associated with the terminal (see fig. 1, col. 9, ll. 3 to col. 13, ll. 39),

As in claim 21, the memory for storing user defined transaction is associated with central controller (see fig. 1, col. 9, ll. 3 to col. 13, ll. 39),

As in claim 22, creates a record of the transaction which may be printed by the user on a printer associated with the user's terminal (see fig. 1, col. 9, ll. 3 to col. 13, ll. 39)

As in claim 22, The system of claim 19 wherein the terminal is a personal terminal of the user, and upon execution of a transaction, the system creates a record of the transaction which may be printed by the user on a printer associated with the user's terminal (see fig. 1, col. 5, ll. 15+; col. 9, ll. 3 to col. 13, ll. 39).

As in claim 23, the transaction involves the purchase of goods or services over a network and at least one stored transaction parameter relates to an account from which payment is to be made for the transaction (see col. 13, ll. 42+).

As in claim 24, the terminal is uniquely associated with a user or group of users (see Abstract, col. 3, ll. 39+).

As in claim 25, the terminal comprises a home computer.

As in claim 26, the input mechanism comprises a pointing device.

As in claim 27, the terminal comprises a portable terminal (see col. 1, ll. 51+).

As in claim 28, the input mechanism comprises a pointing device.

As in claim 29, the determination of whether the display displays a screen customized for the user, is made by the system based on information stored in the system (see col. 5, ll. 36+).

As in claim 30, the determination of whether the display displays a screen customized for the user, is made based on user input (see col. 5, ll. 15+).

As in claim 31, the determination of whether the display displays a screen customized for the user is made by an entity with which the transaction is to be executed (see col. 2, ll. 60+).

As in claim 32.   The system of claim 19 wherein one of the transaction parameters comprises at least one account with which the user has with a financial relationship, and for a given transaction, the user may select an account from among a plurality of accounts the user has with a plurality of financial institutions so that the selected account may be used for the transaction (see col. 2, ll. 60+)..

As in claim 33 wherein one of the stored transaction parameters includes an account number of an account with which the user has a financial relationship, and the account may be used for the transaction (see col. 2, ll. 60+).

As in claim 34, the display comprises object oriented programming objects and includes at least one object from which the user can select stored transaction parameters (see col. 2, ll. 60+) .

As in claim 35 the display comprises object oriented programming objects and includes at least one object from which the user can select transaction parameters using a pointing device (see col. 2, ll. 60+)

As in claim 36, the display comprises object oriented programming objects and includes at least one object from which the user can select transaction parameters, the objects including a drop down box from which a user can select a transaction parameter from among a plurality to stored transaction parameters(see col. 2, ll. 60+).

As in claim 37, the transaction parameter is an account (see col. 2, ll. 60+).

As in claim 38, the display comprises object oriented programming objects and includes at least one object from which the user can select transaction parameters, the objects including a drop down box which can display a preselected one of a plurality of options for a transaction parameter, and further wherein the user can use the drop down box to change the preselection prior to execution of the transaction (see col. 2, ll. 60+).

As in claims 39-46, wherein the display comprises object oriented programming objects and includes at least one object that comprises a list of transaction parameters from which a user can select (see col. 3, ll. 39-44).

As in claims 47-85 and 90-121, (see col. 2, ll. 60+)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S Felten
Examiner
Art Unit 3624

DSF
June 24, 2004